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Technology Center 2600

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 09/002,944

Filing Date: January 5, 1998

Title: INTEGRATION OF INTERNET SOURCES INTO AN ELECTRONIC PROGRAM DATABASE LIST

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Dkt: 450.208US1

REMARKS

Applicant has reviewed and considered the Office Action mailed on January 31, 2001, and the references cited therewith.

No claims are amended. Claims 1-20 are pending. Applicant respectfully requests reconsideration and allowance of all claims in view of the remarks that follow.

§102 Rejection of the Claims

Claims 1-20 were rejected under 35 USC § 102(e) as being anticipated by Schein (U.S. 6,002,394), hereinafter "Schein." Applicant does not admit that Schein is prior art and reserves the right to swear behind it at a later date. Nevertheless, Applicant respectfully traverses the rejections for the reasons argued below.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, "[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim*." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Applicant respectfully submits that the Office Action did not make out a *prima facie* case of anticipation because Schein does not teach each and every claim element of applicant's claims.

Claim 1 recites: "wherein the graphical user interface is configured to display a channel list including at least one television channel and at least one scheduled internet channel." Thus, claim 1

recites that a “channel list” includes both a “television channel” and an “internet channel.” In contrast, Schein recites:

“Fig. 13 illustrates an arrangement for providing television schedule information from cable system 310 to a television for display.” *Schein at column 17, lines 35-37.*

“Fig. 14 illustrates a system and method for accessing television schedule information from one or more servers 350 on a computer network 360, such as the Internet or the World Wide Web.” *Schein at column 18, lines 7-9.*

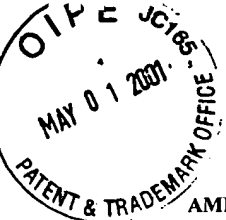
“The guide will provide listings information for all channels in the viewer’s local cable line-up.” *Schein at column 18, lines 52-54.*

“For example, the television guide may include television schedule and/or listing information from a variety of countries throughout the world.” *Schein at column 19, lines 5-7.*

“Alternatively, the television schedule guide may provide information for certain networks and stations (instead of particular channels or stations), such as CBS, FOX, HBO and the like.” *Schein at column 19, lines 11-14.*

Thus, Schein describes only television schedule information and not an internet channel. Schein is devoid of any teaching or suggestion of a channel list that includes both a television channel and an internet channel, as recited in claim 1, because the Schein television schedule does not teach or suggest the “Internet channel” of applicant’s claim 1. Although Schein does describe the Internet, it is only in the context of a location from which to download the television schedule. *See Schein at column 18, lines 7-9.* Thus, Schein does not teach or suggest each element of claim 1.

Claims 6, 15, 17, 19, and 20 contain similar elements as claim 1 and are patentable over Schein for similar reasons. Claims 2-5, 7-14, 16, and 18 are dependent on claims 1, 6, 15, and 17, respectively, and are patentable over Schein for the reasons argued above.



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Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-371-2103) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-0439.

Respectfully submitted,

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4/25/2001

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 26 day of April, 2001.

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